GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

STARRED QUESTION NO:287
ANSWERED ON:08.08.2003
SAVING TRADITIONAL INDIAN MEDICINES
GUNIPATI RAMAIAH

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

the action taken to strengthen the work already initiated in the TRIPS (Trade Related Intellectual Property) to save traditional Indian medicines in the global consumers market in view of extensive public health and safety risks posed by counterfeit medicines?

Answer

MINISTER FOR COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY)

A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 287 FOR ANSWER ON 8TH AUGUST 2003 REGARDING PROTECTION FOR TRADITIONAL INDIAN MEDICINES

The TRIPS Agreement lays down minimum standards of protection of intellectual property rights which WTO Member countries are obliged to implement in their law. The TRIPS Agreement does not deal with the issue of counterfeit medicines from the public health and the safety risk perspective.

There have been several instances of bio-piracy and seeking patents in other countries on Indian biological resources and associated traditional knowledge, existing in public domain. In order to address this problem, India along with a number of bio-diversity rich developing countries made a proposal in the WTO for prevention of bio-piracy and to ensure a mutually supportive relationship between the TRIPS Agreement and the Convention on Biological DiversityIndia has proposed that `the TRIPS Agreement should be amended in order to provide that Members shall require that an applicant for a patent relating to biological materials or to traditional knowledge shall provide, as a condition to acquiring patent rights :

(i) disclosure of the source and country of origin of the biological resource and of the traditional knowledge used in the invention;

(ii) evidence of prior-informed consent through approval of authorities under the relevant national regime; and

(iii) evidence of fair and equitable benefit sharing under the national regime of the country of origin.